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SUNPOWER CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KENNETH BRISTOW, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

SUNPOWER CORPORATION, THOMAS H.
WERNER, and CHARLES D. BOYNTON,

Defendants.

CASE NO.: 3:16-cv-04710-RS

**STIPULATION AND ~~PROPOSED~~
ORDER IN SUPPORT OF
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES
SHOULD BE RELATED**

(Civ. L.R. 3-12)

JAY PATEL, Individually and On Behalf of All
Others Similarly Situated,

Plaintiff,

v.

SUNPOWER CORPORATION, THOMAS H.
WERNER, and CHARLES D. BOYNTON,

Defendants.

CASE NO.: 3:16-cv-04915-WHO

STIPULATION RE ADMIN. MOTION TO CONSIDER
WHETHER CASES SHOULD BE RELATED (CIV. L. R.
3-12)

CASE NOS. 16-CV-04710-RS, 16-CV-04915-WHO,
16-CV-05312-NC, 16-CV-05381-NC

BERNARD STERN, derivatively on behalf of
SUNPOWER CORPORATION,

Plaintiff,

v.

THOMAS H. WERNER, CHARLES D.
BOYNTON, ARNAUD CHAPERON,
BERNARD CLÉMENT, DENIS GIORNO,
DANIEL LAURÉ, CATHERINE LESJAK,
THOMAS R. MCDANIEL, HUMBERT DE
WENDEL, and PAT WOOD, III,

Defendants,

and

SUNPOWER CORPORATION ,

Nominal Defendant.

CASE NO.: 3:16-cv-05312-NC

PETER MOSCONE, Derivatively on Behalf of
Nominal Defendant SUNPOWER
CORPORATION,

Plaintiff,

v.

BERNARD CLÉMENT, DENIS GIORNO,
CATHERINE LESJAK, ARNAUD
CHAPERON, DANIEL LAURÉ, PAT WOOD
III, THOMAS R. MCDANIEL, HUMBERT DE
WENDEL, and THOMAS H. WERNER,

Defendants,

and

SUNPOWER CORPORATION, a Delaware
Corporation,

Nominal Defendant.

CASE NO.: 3:16-cv-05381-NC

STIPULATION RE ADMIN. MOTION TO CONSIDER
WHETHER CASES SHOULD BE RELATED (CIV. L. R.
3-12)
CASE NOS. 16-CV-04710-RS, 16-CV-04915-WHO,
16-CV-05312-NC, 16-CV-05381-NC

WHEREAS, there are two shareholder class actions and two shareholder derivative actions pending in the U.S. District Court for the Northern District of California and arising out of a common set of facts, as set forth below:

<u>Case Name</u>	<u>Case No.</u>	<u>Filing Date</u>
<i>Bristow v. SunPower Corp., et al.</i>	Case No. 16-cv-04710-RS	Aug. 16, 2016
<i>Patel v. SunPower Corp., et al.</i>	Case No. 16-cv-04915-WHO	Aug. 26, 2016
<i>Stern v. Werner, et al.</i>	Case No. 16-cv-05312-NC	Sept. 16, 2016
<i>Moscone v. Clement, et al.</i>	Case No. 16-cv-05381-NC	Sept. 20, 2016

WHEREAS, pursuant to Civil Local Rule 3-12, defendant SunPower Corporation has filed concurrently herewith an administrative motion to consider whether the *Patel*, *Stern*, and *Moscone* actions should be deemed related to the previously filed *Bristow* action and reassigned to the Honorable Richard Seeborg;

WHEREAS, the *Bristow*, *Patel*, *Stern*, and *Moscone* actions arise from substantially similar facts and circumstances;

WHEREAS, it appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if these cases are conducted before different judges;

WHEREAS, defendants have not yet responded to the complaints in any of these actions;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among counsel for the undersigned parties, subject to approval of the Court, that the *Patel*, *Stern*, and *Moscone* actions should be deemed related to the first-filed *Bristow* action and reassigned to the Honorable Richard Seeborg.

1 Dated: October 13, 2016

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28 STIPULATION RE ADMIN. MOTION TO CONSIDER
WHETHER CASES SHOULD BE RELATED (CIV. L. R.
3-12)
CASE NOS. 16-CV-04710-RS, 16-CV-04915-WHO,
16-CV-05312-NC, 16-CV-05381-NC

1 Dated: October 13, 2016

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11 *Attorneys for Plaintiff Peter Moscone*

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 10/14/16


The Honorable Richard Seeborg
United States District Judge

I, Diane M. Walters, am the ECF user whose ID and password are being used to file this
STIPULATION AND [PROPOSED] ORDER IN SUPPORT OF ADMINISTRATIVE
MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED. In compliance with
Civil Local Rule 5-1(i)(3), I hereby attest that Steven M. Schatz, Lesley F. Portnoy, J. Alexander
Hood II, Evan J. Smith, and Avi N. Wagner have concurred in this filing.

Dated: October 13, 2016

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